



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
July 15, 2014

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Joel Thrift, District IV, Council Chairman
Mr. Paul Corbeil, District I, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Cain, District III
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney Thomas Martin and Clerk to Council Elizabeth G. Hulse present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [upon request] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Dick Mangrum/WGOG Radio, Ray Chandler/Anderson Independent, Ashton Hester/Keowee Courier and Steven Bradley/The Daily Journal

Call to Order:

Mr. Thrift called the meeting to order at 6:00 p.m.

Council Agenda / Supreme Court Decision *Dennis Lambries v Saluda County Council*

Mr. Thrift stated that there have been rumors after the recent SC Supreme Court decision in *Dennis Lambries v Saluda County Council* as it relates to the lack of requirement for an agenda for council meetings. Mr. Thrift reiterated that Oconee County by our code of ordinances [Chapter 2, Section 2-66 – see below] requires the Council to have an agenda advertised – we always have prepared an agenda and that there are no plans to change this practice.

Sec. 2-66. Official meeting agenda.

a. *Official agenda.* All council meetings shall be conducted with an official agenda, published and advertised in advance in accordance with state law, and special provisions elsewhere in this chapter.

Public Comment Session / Agenda Action Items Only:

None at this meeting

County Council Response to Public Comment:

None at this meeting.

Moment of Silence & Invocation by County Council Chaplain:

Mr. Tom Martin, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Corbeil lead the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0, to approve the minutes from the June 17, 2014 regular meeting as presented.

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0, to approve the minutes from the June 30, 2014 special meeting as presented.

Administrator's Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public's benefit specifics related to the following matters before Council at this meeting:

- Public Hearings: 2014-18
- Third & Final Readings: 2014-01 [reconsidered], 2014-13 [reconsidered], 2014-14 & 2014-18
- First Reading for Ordinances: 2014-11 [title only]
- First & Final Reading for Resolutions: R2014-12
- Discussion Items
- Council Committee Reports
- Board/Commission Appointments
- Executive Session [noting that the two of the three Economic Development matters no longer needed to be discussed at this meeting]

Mr. Moulder additionally asked Council to consider adding Timberlake & Lakeshore [not Tugaloo as advertised] Landings to the US Army Corp of Engineers Lease Agreement. Discussion followed.

Mr. Dexter made a motion, seconded by Mr. McCall, approved 5 – 0 to add Timberlake & Lakeshore Landings to the US Army Corp of Engineers Lease Agreement.

Last, Mr. Moulder recognized two county accomplishments:

- Oconee County received the SCAC "2013 Outstanding Safety Achievement Award" which was presented to Risk Manager, Sheila Wald, at a recent meeting.
- Oconee County received the GFOA's "Certificate of Achievement for Excellence in Financial Reporting" for its CAFR for FY2012-2013

Mr. Thrift on behalf of Council commended Mr. Moulder and staff for their work on behalf of the citizens of Oconee County.

Public Hearings regarding the Following Ordinances

Ordinance 2014-18 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT AND LEASEHOLD EASEMENT AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSEE, AND OCONEE MEDICAL CENTER, AS LESSOR; AND OTHER MATTERS RELATING THERETO"

Mr. Thrift opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Thrift opened the floor for any citizen wishing to address Council regarding this ordinance.

Mr. Berry Nichols questioned if the lease would be controlled by Greenville Hospital System. Mr. Moulder stated no, the county would maintain control.

Mr. Thrift asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Thrift closed the Public Hearing regarding Ordinance 2014-18.

Third & Final Reading of the Following Ordinances

MOTION TO SUSPEND RULES TO CONSIDER ORDINANCE 2014-10

MOTION TO RECONSIDER Ordinance 2014-01 “AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES, FOR THE TRI-COUNTY TECHNICAL COLLEGE SPECIAL REVENUE FUND, FOR THE ROAD MAINTENANCE SPECIAL REVENUE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUNDS, FOR THE BRIDGE AND CULVERT CAPITAL PROJECT FUND, AND THE ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND, ALL IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015”

Mr. Thrift briefly outlined the procedure for reconsideration of **Ordinance 2014-01** [handout provided – copy filed with these minutes].

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to Suspend the Rules in order to reconsider third and final reading of **Ordinance 2014-01**.

Discussion followed.

Mr. Corbeil made a Motion to Reconsider **Ordinance 2014-01** for third reading in the form approved at 2nd reading as offered for public comment at the public hearing, seconded by Mr. McCall, approved 5 – 0.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to amend **Ordinance 2014-01** to

- to ADD \$79,948 TO THE SHERIFF’S BUDGET for the anti-drug program including a school resource officer
- to ADD A MERIT BASED PAY RAISE FOR COUNTY EMPLOYEES WHO ARE SUBJECT TO AND ADHERE TO THE COUNTY POLICIES & PROCEDURES with the following provisos; [1] the program excludes elected officials, [2] raises can only be implemented without increasing millage, and [3] with maximum salary increases based salary guidelines as presented below in a not to exceed amount of \$247,860.04

| | | | | | | |
|-----------|----|------------|--|------|--------|------------|
| - | to | 44,941.00 | | 2.5% | Salary | 202,623.82 |
| 44,942.00 | to | 74,999.00 | | 2.0% | Fringe | 45,236.22 |
| 75,000.00 | to | 100,000.00 | | 1.0% | Total | 247,860.04 |

- to CORRECT SECTION 7: ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND TO 2.2 MILLS

Mr. Thrift called for the vote on **Ordinance 2014-01** as amended; passing 5 – 0.

MOTION TO SUSPEND RULES TO CONSIDER ORDINANCE 2014-13

MOTION TO RECONSIDER Ordinance 2014-13 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE TAX CREDIT AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND GREENFIELD INDUSTRIES, INC., TDC CLEMSON LAND COMPANY, LLC, GREENTECH METAL RECYCLING, LLC AND TDC SAWS, LLC; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, AUTHORIZATION OF AN INFRASTRUCTURE TAX CREDIT”

Mr. Thrift briefly outlined the procedure for reconsideration of **Ordinance 2014-13** [handout provided – copy filed with these minutes].

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to Suspend the Rules in order to reconsider third and final reading of **Ordinance 2014-13**.

Discussion followed.

Mr. Dexter made a Motion to Reconsider **Ordinance 2014-13** for third reading as presented at the June 17, 2014 meeting, seconded by Mr. Corbeil, approved 5 – 0.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to amend **Ordinance 2014-13** as presented at this meeting.

Mr. Thrift called for the vote on **Ordinance 2014-13** as amended; passing 5 – 0.

Ordinance 2014-14 “AN ORDINANCE TO IMPOSE A ONE PERCENT CAPITAL PROJECT SALES TAX, SUBJECT TO A REFERENDUM, WITHIN OCONEE COUNTY, SOUTH CAROLINA, PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, AS CODIFIED IN §4-10-300, *ET SEQ.*, OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED (THE “ACT”); TO SPECIFY THE PURPOSES, PROJECTS AND FACILITIES FOR WHICH THE PROCEEDS OF SUCH TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE MAXIMUM AMOUNT OF GENERAL OBLIGATION BONDS TO BE ISSUED TO PROVIDE FOR THE PAYMENT OF ANY COSTS OF THE PROJECTS AND FACILITIES AND TO PLEDGE SUCH TAX TO THE PAYMENT OF THE BONDS; TO PROVIDE THE MAXIMUM COST OF THE PROJECTS OR FACILITIES TO BE FUNDED FROM THE PROCEEDS OF SUCH TAX OR BONDS; TO PROVIDE THE MAXIMUM AMOUNT OF NET PROCEEDS OF THE TAX EXPECTED TO BE USED TO PAY THE COST OF THE PROJECTS OR DEBT SERVICE ON THE BONDS; TO ORDER A REFERENDUM PRESCRIBED BY THE ACT TO BE CONDUCTED BY THE OCONEE COUNTY REGISTRATION AND ELECTIONS COMMISSION; TO PROVIDE FOR THE ADMINISTRATION OF SUCH TAX; AND OTHER MATTERS RELATING THERETO”

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0, to approve **Ordinance 2014-13** on third & final reading.

Ordinance 2014-18 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT AND LEASEHOLD EASEMENT AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSEE, AND OCONEE MEDICAL CENTER, AS LESSOR; AND OTHER MATTERS RELATING THERETO"

Mr. Corbeil made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinances 2014-18** on third & final reading.

Second Reading of the Following Ordinances

[None at this meeting]

First Reading of the Following Ordinances

Ordinance 2014-11 [*in title only*] “AN ORDINANCE TO AMEND CHAPTER 38 "ZONING" OF THE OCONEE COUNTY CODE OF ORDINANCES, INCLUDING ALL ZONING MAPS INCORPORATED THEREIN AND THEREBY, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO” [2014 SUB01]

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0, to [1] approve **Ordinances 2014-11** on first reading in title only, and [2] refer the matter to the Planning Commission for the required review.

First Reading of the Following Resolutions

Resolution R2014-12 “A RESOLUTION TO ACKNOWLEDGE CERTAIN LEGISLATIVE ACTION TAKEN BY THE STATE OF SOUTH CAROLINA REGARDING THE USE OF ELECTRONIC DEVICES AND DISTRACTED DRIVING WHICH PREEMPTED OCONEE COUNTY ORDINANCE 2014-07; AND OTHER MATTERS RELATED THERETO”

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0, to [1] approve **Resolution R2014-12** on first and final reading.

Discussion Regarding Action Items:

ITB 13-18 / Physicals for Firefighters / Fire Services / \$125,000

Mr. Moulder and Training Coordinator Scott Loftis addressed Council regarding this agenda item. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to (1) Award bid #13-18, Physicals for Firefighters, to Upstate Medical Associates, P.A., of Seneca, SC, for a not-to-exceed amount of \$125,000.00, for a period of one year with the option to renew for four additional one-year periods and (2) authorize the County Administrator to renew the contract for up to four one year periods, provided their work is satisfactory.

ITB 13-19 / Installation of Box Culvert at Hesse Hwy & Coneross Creek / \$93,720

Mr. Thrift noted that this matter involved a family member; therefore, he recused himself from voting and left the room during discussions. Vice Chairman Corbeil conducted discussion regarding this agenda item. Discussion followed.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 4 – 0 – 1 [Mr. Thrift abstained – form filed with these minutes] to (1) approve the Award of ITB 13-19, Installation of Box Culvert at Hesse Hwy and Coneross Creek, to Thrift Development, Inc., of Seneca, SC, in the amount of \$85,200, plus a 10% contingency in the amount of \$8,520.00, for a total award of \$93,720, and (2) authorize the County Administrator to approve any change orders within the contingency amount.

Mr. Thrift returned to the room for the remainder of the meeting.

ITB 13-20 / Heavy Equipment Rental / Golden Corner Commerce Park / Not to Exceed \$370,000

Mr. Moulder addressed Council regarding this agenda item. Discussion followed.

Mr. McCall made a motion, seconded by Mr. Cain, approved 5 – 0 to approve the total not to exceed amount of \$370,000, per pricing in ITB 13-20, Heavy Equipment Rental, to be split between Blanchard Equipment of Simpsonville, SC; Flint Equipment of Simpsonville, SC; and Linder Machinery of Greer, SC.

Used Haul Truck / Rock Quarry / \$350,000

Mr. Moulder and Mr. Rick Martin, Rock Quarry Director, addressed Council regarding this agenda item. Discussion followed.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 - 0 to approve the purchase of one Used 2007 Komatsu 325-7 back-dump truck from Linder Industrial Machinery Company of Greer, SC, for the cost of \$350,000.

Old Business:

None at this meeting.

New Business:

None at this meeting.

Council Committee Reports:

Planning & Economic Development Committee / Mr. Corbeil

Mr. Corbeil read from a prepared statement [copy filed with these minutes] highlighting discussions from the July 8, 2014 meeting.

Law Enforcement, Public Safety, Health & Welfare Committee / Mr. McCall

Mr. McCall read from a prepared statement [copy filed with these minutes] highlighting discussions from the July 8, 2014 meeting.

Transportation Committee / Mr. Thrift

Mr. Thrift read from a prepared statement [copy filed with these minutes] highlighting discussions from the July 8, 2014 meeting.

Board/Commission Appointments

Capital Project Advisory Committee

It was the consensus of Council to defer appointments to this Committee and any meetings of the Committee until after the November 2014 general election so as to not confuse this committee with the capital project sales tax referendum question that will be placed on the ballot.

Board of Zoning Appeals

Mr. Thrift deferred this matter as no questionnaires were on file to fill this seat.

Library Board

Mr. Thrift deferred this matter in order to solicit additional questionnaires to fill this seat.

Executive Session:

Mr. Cain made a motion, seconded by Mr. Corbeil, approved 5 – 0 to enter Executive Session for the purpose of discussing a personnel matter, an Economic Development matter and a potential litigation matter.

Council entered Executive Session at 7:09 p.m.

Council returned from Executive Session at 9:15 p.m. on a motion by Mr. Cain, seconded by Mr. Corbeil, approved 5 – 0.

Mr. Thrift stated that no action was taken in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Cain, to authorize the County Administrator to proceed as discussed in Executive Session regarding the Economic Development matter. Mr. Thrift requested individual voice votes; recorded as follows

- Mr. Corbeil, District I Yes
- Mr. McCall, District II NO
- Mr. Cain, District III Yes
- Mr. Thrift, District IV Yes
- Mr. Dexter, District V Yes

The motion passed 4 – 1 [Mr. McCall opposed].

Mr. Corbeil made a motion, seconded by Mr. Thrift, to authorize the County Administrator to proceed as discussed in Executive Session up to and including the filing of a lawsuit regarding a tax collection matter. Mr. Thrift requested individual voice votes; recorded as follows

- Mr. Corbeil, District I Yes
- Mr. McCall, District II NO
- Mr. Cain, District III NO
- Mr. Thrift, District IV Yes
- Mr. Dexter, District V Yes

The motion passed 3 – 2 [Mr. Cain & Mr. McCall opposed].

Lastly, Mr. Thrift noted that Council had completed Mr. Moulder's review and they were happy to announce that he had exceeded expectations and that they appreciate the job he and his staff are doing. Mr. Moulder thanked Council; stating he was happy to be in Oconee County.

Public Comment Session Non Agenda Action Items:

None at this meeting.

Council Member Comments:

None at this meeting.

Adjourn

Mr. McCall made a motion, approved unanimously 5 - 0, to adjourn at 9:18 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council